

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**JOHN WECKESSER and
BARBRA WECKESSER**

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PLAINTIFFS

v.

CIVIL ACTION NO. 1:08CV357-LG-RHW

**CHICAGO BRIDGE AND IRON; L.G.
BARCUS AND SONS INC.; A. J.
HOLLOWAY; and CITY OF BILOXI**

DEFENDANTS

ORDER GRANTING MOTION TO STRIKE AND/OR EXCLUDE WITNESSES

BEFORE THE COURT are the Motions to Strike and/or Exclude Witnesses [156, 160] filed by Mayor A. J. Holloway and the City of Biloxi. Upon reviewing the Motions and the applicable law, the Court finds that the Motions should be granted.

DISCUSSION

This lawsuit arises out of the construction of a water tower by the defendants, which allegedly caused damage to the plaintiffs' property. On May 5, 2009, the plaintiffs filed a supplemental witness list that named Gina B. Tompkins as a witness. Tompkins represents Mayor Holloway and the City in this lawsuit. These defendants have filed Motions seeking to prevent the plaintiffs from calling their attorney as a witness at trial.

The plaintiffs argue that Tompkins is a witness because they claim she participated in improper eminent domain proceedings concerning their property as retaliation for their previous lawsuit against the City. The Court has previously held that the eminent domain-related claims filed by the plaintiffs must be dismissed. As a result, the Court finds that the defendants' Motion should be granted. Therefore, the Motions to Strike or Exclude Tompkins as a witness are granted.

IT IS THEREFORE ORDERED AND ADJUDGED that Motions to Strike and/or Exclude Witnesses [156, 160] filed by Mayor A. J. Holloway and the City of Biloxi are **GRANTED**. The plaintiffs will not be permitted to call Tompkins as a witness.

SO ORDERED AND ADJUDGED this the 21st day of January, 2010.

s/ *Louis Guirola, Jr.*
LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE